



# **FREDERICK COUNTY PLANNING COMMISSION**

**July 10, 2013**

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**TITLE:** **Oakdale Village**

**FILE NUMBER:** **SP-13-06, AP 13494**

**REQUEST:** **Concept Site Plan Approval**

The Applicant is requesting concept site plan approval for 314 residential units (48 single family residences and 266 Townhouses) and 1 commercial/institutional lot on a 52.1-acre site.

## **PROJECT INFORMATION:**

ADDRESS/LOCATION: North side of Old National Pike, approximately 1,000 feet west of Eaglehead Drive  
TAX MAP/PARCEL: Map 79, Parcels 112, 162  
COMP. PLAN: Mixed Use  
ZONING: Mixed Use (MX) and R-1 Residential  
PLANNING REGION: New Market  
WATER/SEWER: W-5/S-5

## **APPLICANT/REPRESENTATIVES:**

APPLICANT: Oakdale Properties, LLC  
OWNER: Oakdale Properties, LLC  
SURVEYOR/ENGINEER: Rodgers Consulting, Inc.

ATTORNEY: Rand Weinberg, Esq.

**STAFF:** Tim Goodfellow, Principal Planner II

**RECOMMENDATION:** Conditional Approval

## **ATTACHMENTS:**

EXHIBIT 1 – Concept Site Plan  
EXHIBIT 2 – Architectural Renderings

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Concept Site Plan approval for development of a 314-unit residential project on 52.1 acres, with a site indicated for a future commercial or institutional use (.27 acres). The majority of the project is located in the Mixed Use (MX) Zoning District (staff notes that 0.21 of the 52.1 acres is zoned R-1 along Old National Pike). The proposed project contains a mixture of residential housing styles—single-family attached, single-family detached, and condominiums in a townhouse-type design ('2 over 2' units). The proposed uses are being reviewed as 'Single-family detached' and 'Townhouse' under the heading of *Residential Uses* per §1-19-5.310 Use Table in the Zoning Ordinance. The site is located on the north side of Old National Pike, situated between Oakdale High School and the Oakdale Middle and Elementary School complex.

Section 1-19-7.520 (I) of the Zoning Ordinance requires any permitted use proposed in the MX zoning district that requires site development plan approval first receive Concept Plan approval from the Planning Commission prior to moving forward with the development process. The Concept Plan must demonstrate how the proposed use(s) will achieve MX development standards contained in §1-19-7.520. A variety of uses are encouraged in the MX district via dual or multi-use structures or through a mixture of land uses on a site, but development of a singular land use, such as this primarily-residential project as proposed for Oakdale Village, is not precluded. If the project receives Concept Plan approval it would then be eligible to move forward to the site development plan approval process as provided in section 1-19-3.300 through 1-19-3.300.4 of the zoning ordinance.

## BACKGROUND

The MX zoning district was applied to the subject property in 2012 through Ordinance No. 12-22-617, which amended the County's Comprehensive Zoning Map as part of the Comprehensive Plan and Zoning update (a 0.21-acre portion of the property that adjoins Old National Pike retained R-1 zoning). The property was first zoned in 2006 when the R-5 Residential and General Commercial (GC) zoning districts were applied during the New Market Region Plan update. The R-5 and GC districts were subsequently removed from the properties as part of the 2008 New Market Region Plan update. However, the properties have retained a residential land use designation on the Comprehensive Plan (New Market Region Plan and Countywide Plan) since 1984.

The 52-acre site of the proposed Oakdale Village is a remainder parcel created after a 2-acre subdivision lot (Lot 1, Hartman Property) was recorded in 1977 in the land records at Plat Book 16, Page 30. The site has two dwellings dating from the mid-20<sup>th</sup> century plus multiple farm buildings, a farm pond and an existing stormwater management facility utilized for Oakdale High School, but designed to also accommodate a portion of the proposed development. A sewer line and corresponding 30-ft wide public sewer easement traverse the property, in the general vicinity of the stream system.

### Existing Site Characteristics

Bisecting the subject property in an east-west direction is a first-order tributary to Long Branch, which flows into Linganore Creek. The stream system contains 5.7 acres of flooding soils plus approximately 0.10 acre of wetlands, and is the topographical low point of the site at approximately 440' elevation. Gentle, rolling hills rise from the stream system to the higher elevations at the southern edge of the property (elevation 500 ft), and the far northeast corner (elevation 520 feet). Current use of the property is land cultivated for corn and grain crops.

The property is located between the Oakdale schools; Oakdale High School adjoins the property to the east and both Oakdale Middle and Oakdale Elementary schools share the western property line with the

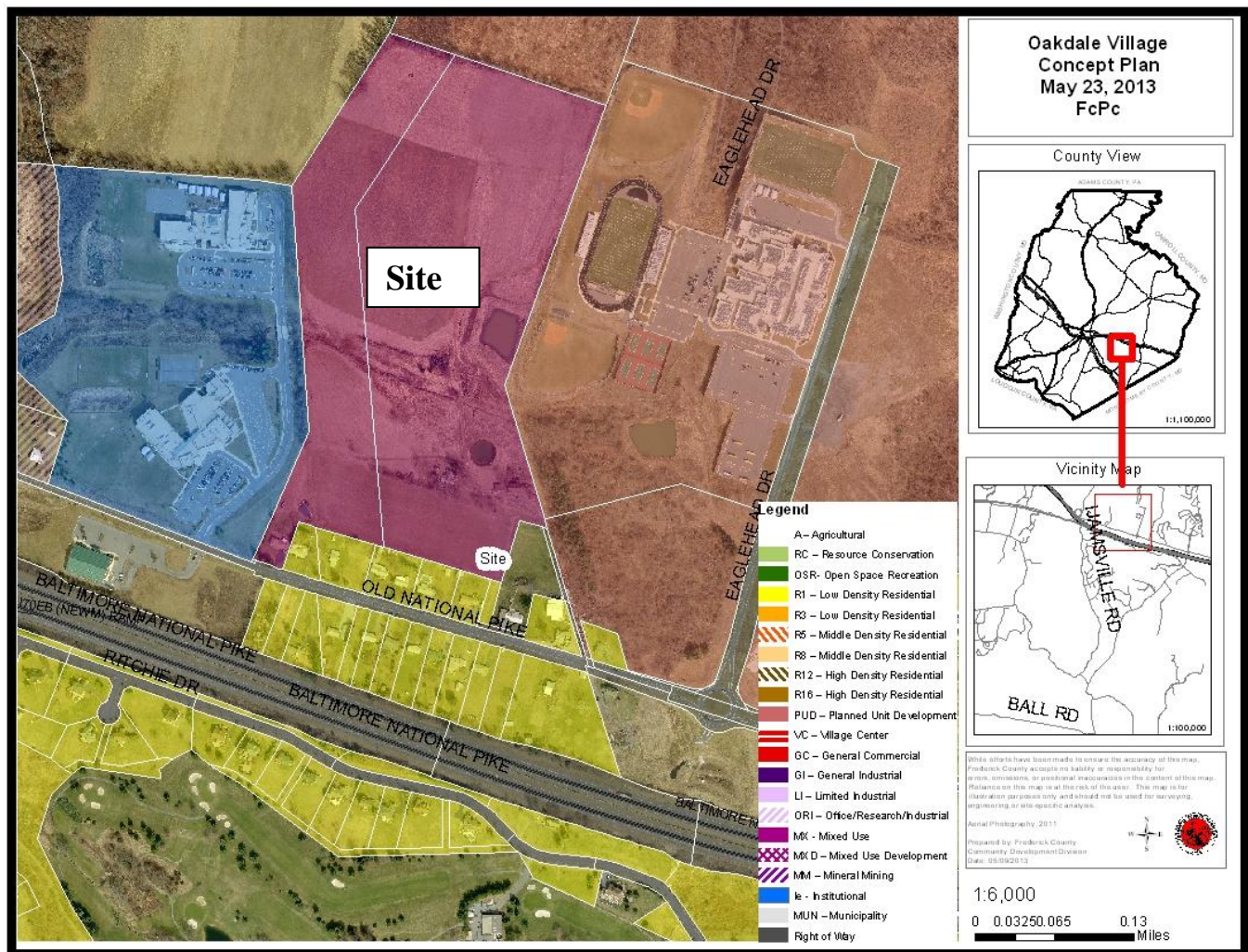
**Oakdale Village Concept Plan**

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subject property. The access road that serves both the middle and elementary schools is situated along this shared western property boundary. Seven (7) residential, developed lots border the property to the south and face Old National Pike. The property has two (2) frontages on Old National Pike: a 50-ft wide, deeded strip of land between two of the existing residential lots and 135 feet of direct road access, which is just 200 feet east of the entrance to the Oakdale Middle and Elementary Schools.

Undeveloped property to the north, northwest, and the southeast form the future Linganore Town Center. Future connections to the Linganore Town Center and their coordination with development of surrounding lands are addressed in the Transportation section of this report.



# ANALYSIS

## Site Development and Layout

As noted, the stream system and associated floodplain and wetlands form a natural separation of the north/south portions of the subject property. The southern land bay is smaller but includes roughly the same number of units (152) as the larger, northern development area (162) by concentrating the highest density units—the '2 over 2' units--south of the stream.

The Concept Plan proposes five (5) distinct types of residential dwelling units as provided in graphic form as Exhibit 2 Architectural Renderings:

### Northern Land Bay

- 1) Single-family detached with front or side loading/access [33 units]
- 2) Single-family detached with rear loading (alley access) [15 units]
- 3) Single-family attached (townhomes) with front loading/access [76 units]
- 4) Single-family attached with rear loading (detached garages with alley access) [38 units]

The development area north of the stream contains the single-family attached and detached units plus the approximately 10,000 square-foot commercial or institutional site (adjacent to Oakdale Elementary School). Single-family lots are shown with both a rear-loaded design (alley access) plus a conventional front-loaded style. Townhomes with detached garages (alley access) and townhome units with front loading garages are also included. The proposed units have defined street frontages or are oriented to face open spaces and pedestrian ways as required in §1-19-7.520(E). The design includes a complete sidewalk network, interconnecting and linking the units to the proposed green plazas, tot-lots, commercial/institutional use site, as well as all three (3) Oakdale Schools.

Approval of a modification to required minimum lot area, lot width, front and side yard setbacks will be required at the time of preliminary plan review for the single family detached alley loaded units as proposed in the Concept Plan. Side and rear yard setbacks as proposed for the single-family dwellings (front/side loaded) will also require modifications at the time of site development plan review. The Planning Commission may modify these requirements within the MX District per §1-19-7.520 of the Zoning Ordinance at the time of site development plan review given the proposed layout "provides for an improved design that furthers the goals within the adopted county comprehensive, community, or corridor plan, and would not otherwise be possible within the existing regulations."

Modifications are also required for the front and side yards as proposed for the townhomes in the northern land bay.

Staff does recommend additional alley loaded single-family units in place of the front loaded units along Street "B" that face the 1.3-acre community plaza/green area, noting that these will take advantage of the alleyway already being considered for the adjacent collector (Street 'A').

The Concept Plan shows commercial setbacks for the proposed commercial/institutional lot along proposed streets 'L' and 'A'. A likely/viable use for this parcel would be a Child care center/nursery school which is under the heading of institutional uses in the use table of the zoning ordinance and therefore would be subject to institutional land use setbacks in section 1-19-6.100. Depending on the ultimate use at the time of site plan review the Applicant would be required to provide for institutional setbacks or request a modification to setbacks as permitted in section 1-19-4.520(G). Careful consideration should be given to establishing a use on the 0.27-acre site that is compatible with the adjacent Oakdale Elementary School. A separate and distinct site plan will be required for future development of this commercial/institutional site.

### Southern Land Bay

- 5) Condominium units in a stacked townhome design or '2 over 2' units (alley access)  
[152 units]

The land bay south of the stream system proposes 152 condominiums (2 over 2 units) in a stacked townhome-design with alley access. All units have distinctive frontages on the interconnected, gridded street network or are oriented to the large open space surrounding the stream system as required in §1-19-7.520(E). Sidewalks link the units and provide two (2) direct pedestrian connections to the middle and elementary schools and to the proposed tot-lot. To address topographical and site gradient issues in the southern land bay, retaining walls are proposed to border the northern edge of the condominium units plus the southern side of Street 'D' which adjoins the existing residential lots on Old National Pike.

Front and side yard setbacks as proposed for the condominium units will also require a modification from the Planning Commission at the time of site development plan review.

### Density

The MX zoning district has no specified residential development density. Development density is a function of the site characteristics and meeting the required parking, landscaping, other design requirements, and bulk standards. To that end, the Oakdale Village Concept Plan proposed project density and Moderately Priced Dwelling Unit (MPDU) requirements are as follows:

Oakdale Village Proposed Density:	314 Dwelling Units (DU)/52.1 acres = 6 DU/Acre
Required MPDUs (12.5% of total DUs):	39 DUs

The Applicant proposes to satisfy the Moderately Priced Dwelling Unit (MPDU) Ordinance through payment-in-lieu of constructing the units, per the option contained in Section 1-6A-5.1 of the County Code.

### Open Space

The Zoning Ordinance requires MX projects to include "common plazas/green areas" in the following amount, as specified in §1-19-7.520(H)(1)(c): 363 square feet of common plaza/green area per 2,000 square feet of gross floor area. The Applicant uses a generic figure of 2,000 square feet for each residential unit and calculates that the project will meet the minimum requirement but notes that the final gross floor area figures and green areas will be determined at Preliminary Plan stage. The initial concept for total gross floor area in the project is 628,000 square feet, which equates to 2.6 acres (113,982 sq. ft.) of required common plaza/green area per the Zoning Ordinance.

In addition to the large open space surrounding the stream system and its associated wetlands and floodplain, which separate the land bays, the following green areas/community plazas are proposed in the northern land bay:

- I. A 1.3-acre centrally-located plaza in the heart of the development area, shown with a gazebo or other community amenity/design feature and including parking spaces that parallel three (3) sides of the plaza. Residential units are planned that have frontage on, or orientation to, each side of the plaza.
- II. A 0.6-acre green area in the north east corner of the site includes a proposed tot-lot and perimeter parking designed in a perpendicular fashion to the open space. Because the lots—buildings—will face the large parking component of this feature, a berm with vegetative buffering in this green area is warranted.

- III. A 0.5-acre open space on the eastern edge of the site that contains an existing, fenced stormwater management facility. This facility serves as the visual orientation and frontage for 14 proposed townhomes and will require landscape screening to soften element.

### **Transportation/Access**

County staff (Community Development/Public Works, and Public Schools) have worked closely with the applicant to identify the best options to achieve appropriate site access, and provide interconnectivity to both current and future land uses. Access and circulation is designed to minimize the potential for neighborhood cut through traffic, and to keep the traffic on the primary streets that will be accessing the school sites and the future commercial in the Linganore Town Center.

The subject property has two (2) frontages on Old National Pike (a minor arterial roadway on the Comprehensive Plan):

- 1) a 50-ft. wide, deeded strip of land between two existing residential lots (Tax Map 79, Parcels 88 and 16); and
- 2) One-hundred thirty five (135) feet of direct road access, which is 200 feet east of the entrance to Oakdale Middle and Elementary Schools.

However, the project's only direct vehicular entrance with Old National Pike will be provided through the 50-ft wide strip between Parcels 88 and 16, due to the close proximity of the Oakdale Schools' entrance to the site's 2<sup>nd</sup> frontage on Old National Pike. This access road would be sufficiently landscaped so as to minimize impacts on adjacent properties. The primary road for the project ("Street A") is also proposed to connect to the Oakdale Schools' access lane, at a point north of the stream, which will promote interconnected streets in the project, link existing and planned road networks, and allow shared access and circulation between properties. This roadway will also achieve multiple development standards in the MX district.

The Oakdale Schools' access lane is a 'private' roadway, with the Frederick County Public Schools (FCPS) having sole ownership and maintenance responsibilities. According to FCPS staff, the access lane was constructed to public roadway standards and the bridge designed and constructed to Maryland State Highway Administration (SHA) specifications. As part of Site Plan or Preliminary Plan approval for the project, a formal transfer of the Oakdale Schools' access lane from the Board of Education to the County for public use must be executed, along with a Memorandum of Understanding regarding right-of-way, landscaping and certain maintenance responsibilities. The Applicant will also be required to slightly modify the parking, access and circulation at Oakdale Elementary School, per FCPS requirements, to accommodate Street A's connection to the access lane. Two minor Forest Conservation Easements totaling just 0.154 acres will be impacted by the construction of Street A in the vicinity of the Oakdale Schools' access lane and will require a Forest Conservation Easement release and replacement mitigation. The Applicant is aware of these requirements and formalities.

The Concept Plan proposes further transportation interconnectedness to surrounding areas with a future roadway into the Linganore Town Center at the southeast portion of the site. A planned direct connection (Street L) to the future Town Center Connector will ultimately connect the northern side of the town center to the I-70/Meadow Road interchange. Right-of-way dedication for the portion of the Town Center Connector located on the subject property has been accommodated in the concept. The timing and construction and other details of these road connections will be determined at the Site Plan/Preliminary Plan approval stage.

The remaining streets indicated on the Concept Plan exhibit efficient internal circulation, incorporating sound lot configuration, layout and building orientation, sufficiently achieving MX design standards contained in §1-19-7.520. There may be some additional design changes that staff will work with the



applicant to address certain internal circulation issues, such as minimizing the use of alleys as a cut-thru, etc.

### **Parking**

The project utilizes parking standards contained in §1-19-6.220 of the Zoning Ordinance for the variety of residential units proposed. Attached and detached garages are provided in all of the residential units. Driveway pads, separated by green area, are present on the front loaded townhomes. Overflow parking areas are designed to maintain a pedestrian scale along the internal streets, and not become a concentrated focal point that overwhelms the community. Although specific parking requirements will be reviewed at the time of site development plan review, the Zoning Ordinance requires a total of 723 parking spaces for the proposed units and the Applicant proposes 795 parking spaces to be provided. The proposed parking spaces meet the requirements and include a recommended 10% increase which is usually recommended by Staff for projects of similar design/density/use. .

### **Forest Resource Ordinance**

Concept Plan review triggers the submission of a Forest Stand Delineation and Preliminary Forest Conservation Plan (as required per section 1-21-31 of the Frederick County Code), which identifies areas for reforestation, afforestation and priority areas for conservation, including retention of specimen trees (trees over 30 inches in diameter at breast height (dbh)).

The site contains several specimen trees but no existing forest stands. The Applicant has submitted the required FRO plans and proposes to plant approximately 6 acres of new forest along the stream valley that bisects the property.

The property contains 16 specimen trees. The Preliminary Forest Conservation Plan proposes to remove 11 of the specimen trees, including a 66-inch dbh Silver Maple (*Acer saccharinum*) located directly in the path of proposed Street A near the stream crossing in the southern land bay.

State law (5-1607(c)(2)) and County law (1-21-40 (B)) require all specimen trees (trees that are 30 inches or greater in diameter) to be retained unless the Applicant has demonstrated that “all reasonable efforts have been made to protect them and that the plan cannot reasonably be altered”. Removal of specimen trees requires the Applicant to submit a FRO Modification request, justification statements, and receive Planning Commission review and approval. Because this development is conceptual at this point in time, the required FRO modification for removing specimen trees may be delayed until the next phase of the development, which will be the submittal of a Preliminary subdivision plan.

Staff, along with the Maryland Department of Natural Resources, again worked directly with the applicant to evaluate the feasibility and appropriateness of retaining certain specimen trees including the one that would be impacted by the main roadway into the site. Based on this evaluation, we believe the applicant will be providing sufficient documentation that the health of the tree(s) (before and after any impacts) combined with the desire to minimize and balance other environmental impacts, to ensure that all reasonable alternatives have or will have been assessed with respect to the removal of such specimen trees.

If the Planning Commission approves the proposed Concept Plan Staff recommends the following conditions to address postponement of the specimen tree FRO modification:

- Approval of the Concept Plan by the Planning Commission does not provide support for or guarantee a favorable determination regarding a future FRO Modification application.
- A FRO Modification application for removal of the specimen trees will be required prior to or concurrent with Site Development Plan and/or Preliminary Plan submission for this project (whichever is submitted first).

- Approval of this Concept Plan by the Planning Commission does not provide final approval of the development layout shown on this plan, and design changes may be required in order to preserve one or more specimen trees.



## FINDINGS/CONCLUSIONS

### Concept Plan –Development Standards—Review and Approval Procedures

Section 1-19-7.520(l) (1) of the Zoning Ordinance requires a Concept Plan for proposed development in the MX Zoning District demonstrate:

- a) *The manner in which the standards within this section have been met by the proposed development; and*
- b) *The manner in which the proposed development conforms to the adopted county, community, or corridor plans for the area where the development is proposed.*

### Site Development and Layout

- The project proposes a variety of residential housing styles with building orientation made to public streets, internal roadways, open space and pedestrian ways.
- The proposed dwellings utilize detached or attached garages with overflow parking dispersed and designed to facilitate pedestrian movement.
- Multiple roadway and pedestrian connections within the development and with adjacent land uses as well as future adjoining development areas are depicted on the Concept Plan.
- Access to the future Linganore Town Center Connector is provided in the Plan with right-of-way dedication made for the portion of the Connector on the subject property, enhancing wider regional accessibility and connections
- Internal pedestrian mobility is promoted through a complete sidewalk network which also links to the surrounding educational facilities.
- Open Space both passive and active are being accommodated on site.
- Environmental Features are being preserved and incorporated into the overall site, the most prominent is the wetland/streambuffer separating the two landbays.

### Multiple Structures and Mixed Uses

- The project proposes a 0.22-acre area for future Institutional or Commercial uses. This site is centrally located with excellent vehicular and pedestrian access.
- The opportunity may exist for a certain amount of the land area in the southern land bay just south of the existing farm pond and adjacent to the street connection into the future Linganore Town Center commercial to be incorporated further into the town center. Depending on the residual amount of land, it could possibly be combined with existing public schools land and a portion of the Town Center. This is the generally area that staff has in the past envisioned as a potential library site. As the plan proceeds through its approvals this issue will be further evaluated.

### Conformance with Community or Corridor Plan

- No community or corridor plan has been adopted for the New Market/Linganore area. Generally, the proposal demonstrates adherence to the general guiding principles for compact development outlined in the County Comprehensive Plan, with efficient land use patterns in an area served by public infrastructure and utilities.

## FINDINGS/RECOMMENDATION

Based upon a review and analysis as provided above, Staff finds that the proposed application generally meets the intent of the Development Standards in the MX zoning district. Staff will continue to work with the Applicant as the project moves through the development process to address all outstanding items as discussed within the Staff Report. The following recommendations include a condition specifically addressing the future FRO Modification request.

### Recommendation

Staff has no objection to conditional approval of the Oakdale Village Concept Site Plan SP-13-06 and AP#13494. If the Planning Commission conditionally approves the site plan, the concept site plan is valid for a period of three (3) years from the date of Planning Commission approval. Staff recommends approval of the Oakdale Village Concept Site Plan by the Planning Commission with the following conditions:

1. Modification of dimensional standards as proposed (lot width, setbacks) must be sought by the Applicant as part of the Site Plan/Preliminary Plan Review process.
2. Obtain all necessary wetland and waterway construction permits for the stream crossing from the Maryland Department of the Environment in conjunction with Site Plan/Preliminary Plan approval.
3. Execute a Memorandum of Understanding with the Board of Education/ Frederick County Public Schools' Facilities Staff and/or County DPW regarding design, construction, and maintenance of the pedestrian path to Oakdale High School in conjunction with Site Plan/Preliminary Plan submission.
4. In conjunction with Preliminary Plan/Site Plan approval, finalize the FRO release and replacement mitigation plan for the 0.154-acre forest conservation easement planned for removal to accommodate Street A's connection to the Oakdale School access lane.
5. Prepare a plan, acceptable to Frederick County Public Schools' Facilities Staff, for reconfiguring the parking, access and circulation at Oakdale Elementary School to accommodate Street A's connection to the Oakdale School access lane, in conjunction with Preliminary Plan/Site Plan submission. Execute a Memorandum of Understanding with the Board of Education regarding timing and construction details of the reconfiguration plan.
6. Initiate the ownership transfer of the Oakdale Schools' access lane from the Board of Education to Frederick County by submitting a formal letter of request to both entities prior to submission of Preliminary Plan/Site Plan.
7. Submission of a FRO Modification request for removal of the Silver Maple specimen tree is required prior to or concurrent with Preliminary Plan/Site Plan submission
8. Approval of the Concept Plan by the Planning Commission does not provide support for or guarantee a favorable determination regarding a future FRO Modification application.
9. Approval of this Concept Plan by the Planning Commission does not provide final approval of the development layout shown on this plan, and design changes may be required in order to preserve one or more specimen trees.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Concept Plan for Oakdale Village (**SP-13-06, AP 13494**) with conditions as listed in the staff report, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.







# Schematic Architecture § 1-19-3.300.2 (B)(3)(a) exterior elevation of all proposed buildings

Note: Photos are for illustrative purposes and are a generalized representation of what is being planned for development. Final elevations to be determined at Preliminary/Site Plan.



Stacked Townhouse/2-over2, alley-loaded



Stacked Townhouse/2-over2, alley-loaded



Single Family Detached, alley-loaded, ±40' lot width



Single Family Detached, front/side-loaded, ±55' lot width



Single Family Detached, alley-loaded, ±40' lot width

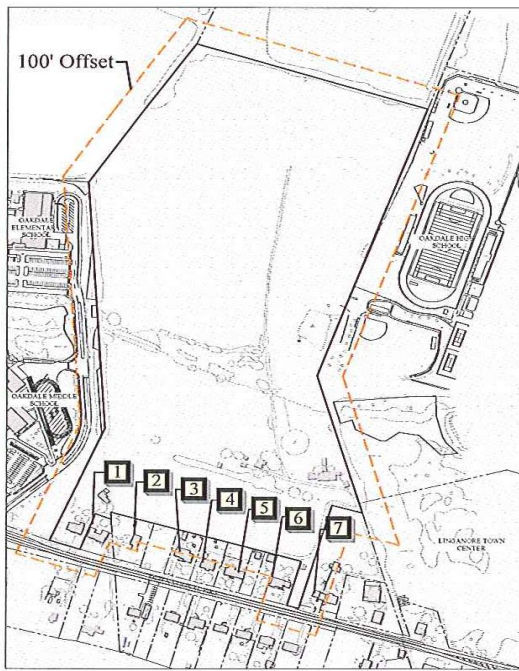


20'-22' Townhouse, front-loaded

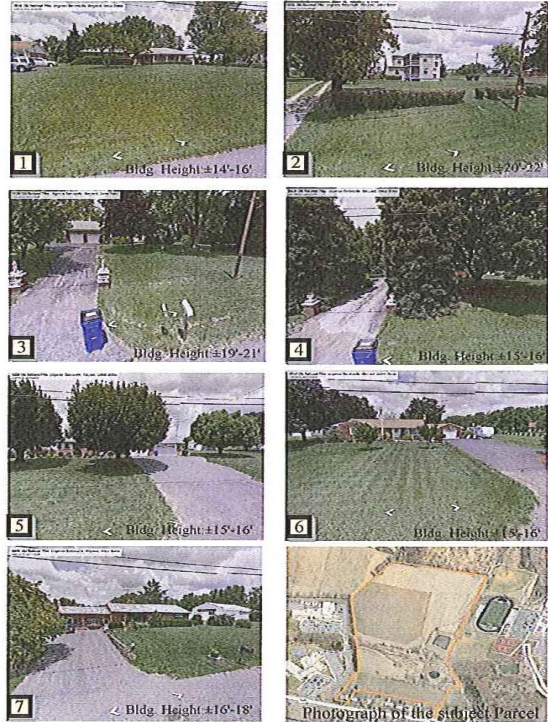


20'-22' Townhouse, alley-loaded

## Facing and Adjacent Existing Structures § 1-19-3.300.2 (B)(4),(5) Existing structures on all lots facing and adjacent to the proposed development; heights of existing adjacent structures; Photographs of the subject parcel and facing and adjacent lots and structures



### Structures within 100' Offset from Boundary



Photograph of the subject Parcel

REVISION	DATE



DEVELOPER:  
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**ARCHITECTURE &  
EX. STRUCTURES**

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RELEASE FOR: [Signature]

Proj No. 13438  
**Oakdale Village**  
User 9156 Folio 292 and User 9271 Folio 229  
Plot Book 66, Page 191  
New Market (01) Election District  
Frederick County, Maryland

NAME: AS, SHIGAN  
AKA: 1152A  
DATE: 06/20/13  
SHEET No. 2 of 2